

PUBLIC EMPLOYMENT RELATIONS BOARD[621]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 20.6(5), the Public Employment Relations Board hereby gives Notice of Intended Action to amend Chapter 5, “Elections,” Iowa Administrative Code.

Current rule 621—5.4(20) provides that in an election upon a petition seeking to decertify the exclusive bargaining representative of a bargaining unit of public employees, the bargaining representative retains its certification in the event of a tie vote. The Board believes this result does not reflect the Legislature’s intention and that amendment of the rule is thus necessary.

These amendments do not provide for a waiver of their terms but are instead subject to the Board’s general waiver provisions, which are found at rule 621—1.9(17A,20).

Any interested person may make written suggestions or comments on these proposed amendments on or before October 25, 2011. Written suggestions or comments should be directed to James R. Riordan, Chairperson, Public Employment Relations Board, 510 E. 12th Street, Des Moines, Iowa 50319.

Persons who wish to convey their views orally should contact the Public Employment Relations Board by telephone at (515)281-4414 or in person at the Board’s office at the address noted above. Requests for a public hearing must be received by October 25, 2011.

These amendments are intended to implement Iowa Code sections 20.14 and 20.15.

After analysis and review of this proposed rule making, no impact on jobs has been found.

The following amendments are proposed.

ITEM 1. Amend paragraph **5.4(1)“f”** as follows:

f. Upon completion of a valid decertification election; in which a majority of employees voting cast their ballots in the affirmative, or in the case of a tie, the board shall serve notice of decertification.

ITEM 2. Amend paragraph **5.4(1)“g”** as follows:

g. Upon completion of a valid decertification election; in which a majority of employees voting cast their ballots in the negative, ~~or in the case of a tie~~, the board shall serve notice of continued certification.